

KILPATRICK TOWNSEND & STOCKTON LLP
JAMES G. GILLILAND, JR. (State Bar No. 107988)
ROBERT D. TADLOCK (State Bar No. 238479)
Two Embarcadero Center Eighth Floor
San Francisco, CA 94111
Telephone: (415) 576-0200
Facsimile: (415) 576-0300
Email: rtadlock@kilpatricktownsend.com
jgilliland@kilpatricktownsend.com

IRIS SOCKEL MITRAKOS (State Bar No. 190162)
ELHAM F. STEINER (State Bar No. 250312)
12730 High Bluff Drive, Suite 400
San Diego, California 92130
Telephone: (858) 350-6100
Facsimile: (858) 350-6111
Email: ismitrakos@kilpatricktownsend.com
esteiner@kilpatricktownsend.com

Attorneys for Plaintiff
DREYER'S GRAND ICE CREAM, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DREYER'S GRAND ICE CREAM, INC. a
Delaware corporation,

Plaintiff,

v.

ICE CREAM DISTRIBUTORS OF
EVANSVILLE, LLC, a Kentucky limited
liability company, and SPIN CITY
HOLDINGS, LLC an Indiana limited liability
company,

Defendants.

Case No. 10-00317 EMC (LB)

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE SETTLEMENT
CONFERENCE**

Date: April 12, 2011

Time: 10:00 am

Mag. Judge: Honorable Laurel Beeler

Pursuant to ADR 7-4 and Civil L.R 6-2 and 7-12, Dreyer's Grand Ice Cream, Inc.
("Dreyer's") and Ice Cream Distributors of Evansville, LLC and Spin City Holdings, (collectively
"Defendants") hereby stipulate and request and Order to continue the Settlement Conference
scheduled for April 12, 2011 until a date after the Court rules on the parties' pending Motions for



Summary Judgment.

STIPULATION

WHEREAS the Court has scheduled a settlement conference in the above-entitled action for April 12, 2011 at 10:00 a.m. (Dkt. No. 72);

WHEREAS the parties have each filed motions for summary judgment that the Court heard on March 23, 2011;

WHEREAS the parties believe a settlement conference before the Court rules on the parties' motions for summary judgment will not be productive;

WHEREAS the parties have previously stipulated to reschedule the settlement conference (Dkt. Nos. 37, 47, 53, 71);

IT IS HEREBY STIPULATED AND AGREED by and among the parties and their counsel that the Settlement Conference currently scheduled for April 12, 2011 shall be continued to June 7, 2011 at 10:00 a.m., or on a date and time thereafter chosen by the Court. The parties propose that the settlement conference not be rescheduled until the Court rules on the parties' motions for summary judgment.

DATED: April 4, 2011

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ Robert D. Tadlock

Robert D. Tadlock

Attorneys for Plaintiff

DREYER'S GRAND ICE CREAM, INC.

DATED: April 4, 2011

BRACAMONTES & VLASAK

By: /s/ Michael R. Bracamontes

Michael R. Bracamontes

Attorneys for Defendant

ICE CREAM DISTRIBUTORS OF EVANSVILLE,
LLC and SPIN CITY HOLDINGS, LLC

ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS ORDERED that the Settlement Conference shall be continued to June 8, 2011 at 10 am. Settlement Conference Statements are due on June 1, 2011.

DATED: April 6, 2011

Honorable Laurel Beeler
United States Magistrate Judge
Judge Laurel Beeler

